

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

**CASE NO. 1:23-cv-21065-ALTONAGA/Damian**

JONATHAN CONDE BLACKBURN, individually,  
and on behalf of all others similarly situated,

Plaintiff

v.

CDJ OF 152<sup>ND</sup> ST MIAMI LLC,  
et. al.

Defendants.

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**ORDER**

THIS CAUSE having come before the Court upon Plaintiff's Motion for Clarification of D.E. 44, it is

ORDERED and ADJUDGED as follows:

The Plaintiff's Motion for Clarification of D.E. 44 is hereby GRANTED. The Defendant's Offer of Judgment specifically offers relief for minimum wages, overtime wages, and tips. The Offer of Judgment is completely silent as to the damages sought within Count X of Plaintiff's Second Amended Complaint. Moreover, the Offer of Judgment fails to mention whether it is intended to provide relief for all claims alleged within the Second Amended Complaint. Plaintiff's Notice of Acceptance of Offer of Judgment is therefore limited to Counts I, II, III, IV, V, VI, VII, VIII, IX, and XI of the Second Amended Complaint, which seek recover of minimum wages, overtime wages, and/or tips. Accordingly, the case is re-opened for Plaintiff to continue pursuing his claim for FLSA Retaliation set forth in Count X of the Second Amended Complaint.

The Court has reviewed the Offer of Judgment accepted by Plaintiff and has compared it to the Plaintiff's Statement of Claim. Because Plaintiff is being compensated full back wages and liquidated damages through the Offer of Judgment, with the Court to later determine reasonable attorney's fees and costs, there is no need for Court to conduct a fairness review of the Offer of Judgment under *Lynn's Food Stores v. United States*. Accordingly, the clerk is hereby instructed to enter judgment in the amount of \$10,000.00 in favor of Plaintiff, JONATHAN CONDE BLACKBURN, and against Defendants, CJD OF 152<sup>ND</sup> ST MIAMI LLC d/b/a CRAB DU JOUR, YIHUA WENG, and JONATHAN PAPAGNO, as to Counts I, II, III, IV, V, VI, VII, VIII, IX, and XI of the Second Amended Complaint.

DONE and ORDERED in Miami-Dade County, Florida, on this \_\_\_\_ day of June 2023.

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**HON. CECILIA M. ALTONAGA**  
**CHIEF UNITED STATES DISTRICT JUDGE**

Copies to:  
*Counsel of Record*